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ABSTRACT

In New England, school districts often look toward cooperative agreements as alternatives to further consolidation or "bigness." Cooperatives and collaboratives in Massachusetts are viewed as a politically acceptable alternative to further reorganization through consolidation. The emergence of collaboratives and the enactment of six regional education centers has altered considerably the pattern of distribution of authority between state and local agencies. The collaboratives are in competition with the regional education centers and with the local education agencies for state and federal funds. The history of collaboratives is traced and their areas of conflict with state and local agencies are discussed. Proposed legislation concerning collaboratives is presented. Areas of increasing conflict are projected for the future when, because of dwindling resources, the state attempts more centralization of services. (Author/MLF)

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EDUCATIONAL SERVICE CENTERS
Some Policy Implications for Massachusetts

PART I

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EDUCATIONAL SERVICE CENTERS

Some Policy Implications for Massachusetts

Views Regarding Cooperation

The Federal Government's role has been to stimulate cooperative ventures through its practice of giving high approval priority to program proposals involving more than one school district. Within the last year, NIE has funded several inter-state, cooperative regional networks as well.[1]

> *Evidently it is national policy that educational cooperatives exist and flourish as a part of the process of social and educational engineering.*[2]

In New England, cooperatives are being encouraged as they are in many states, perhaps with slightly different motivation. School districts often look toward cooperative agreements as alternatives to further consolidation or "bigness."[3] Even with declining enrollments and current economic realities, the districts appear to be opting for fewer services and paying more taxes to survive as local entities. This belief in decentralization and local control has been called a "religion;" Wirt attributed this strong belief in localism as follows:

> *. . .It is believed that New England has fostered local control of schools as a continuing suspicion against centralized power which stems from the Colonial era.*[4]

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[1]The Federal Government has been more than instrumental in developing cooperative and regional service centers. A basic concept of Title III encouraged supplementary centers and services; projects approved by USOE often concern multi-district projects providing services through supplementary or regional centers. NIE has also funded within the last year several inter-state networks crossing SEA lines.

[2]NFIRE Report. page 96. NFIRE further indicates that this policy will alter the locus of government which will continue to shift toward the Federal level through 1985. National Federation for the Improvement of Rural Education.

[3]The myths of bigness are described in Jonathon Sher (Ed.). "The Myth of Rural School and District Consolidation." Westview Press (in press) Summary available from NIE.

[4]F. Wirt. "School Policy Culture and State Centralization." Urbana, Illinois (mimeographed copy). Chapter in: J. Scribner (Ed.) Yearbook on the Politics of Education. Chicago, Illinois: NSSE, 1977.

The principle that education should be administered, applied, and controlled by the LEA is probably typical of the way in which Robert Frost has described the New England character: good fences make good neighbors. The key is the State's peculiar educational tradition, particularly its proud and sometimes stubborn "veneration of localism" which has been described as a major obstacle to progress.

This religion of localism has led to an absence of State priorities and the overall State political culture imposes such great constraints that a more activist program priority orientation for the MDE is not feasible.[5] What Elmore[6] politely refers to as the "natural diffusion model" in Massachusetts is probably similar to Kirst's description of "organized anarchy" or the "garbage can" model of organizational choice.[7]

Educational Collaboratives

Cooperatives and collaboratives in Massachusetts are viewed as a politically acceptable alternative to further reorganization through consolidation.

> *. . .school boards placing a high priority on local control and smaller communities wishing to maintain their schools as local institutions may find the utilization of cooperative agencies as a means by which to survive the pressure from unions, legislations, etc.*[8]

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[5]Michael Kirst. "Six States and Federal Aid: Key Conclusions and Methodological Considerations." April 1972. ERIC ED 063 632.

[6]R. Elmore. "Dissemination and Implementation of Educational Innovations in Massachusetts." Office of Executive Planning. Boston. June 1974.

[7]M. Kirst. "What Happens at the Local Level After State School Finance Reform?" AERA, April 1976. Mimeographed. Using a garbage can approach, results are "largely determined by who has time to participate in decisions, what the other demands are for the time of organizational participants, the nature of current 'hot problems,' and the type of external solutions promoted through outside actors. (USOE, etc.)"

[8]NFIRE; op. cit.

Typical of Massachusetts is its stance in regard to collaboratives. No clear legislative framework has been presented and no specific deliberate State policy to promote the concept has been outlined. The State has not maintained a hierarchy or reinforced its role as service agent. This is consistent with the observation that the State has not monitored effectively the Federal (Title I) or other programs of the LEAs.[9] As Wirt aptly describes:

> *How a State distributes its authority to subordinate administrative and political agencies could condition the kinds of outcomes achieved.*[10]

This is the all pervasive issue as new conflicts arise, new legislation is pursued, and options are considered. In 1977 the State made a major move towards decentralization. By 1970, there were six RECs with an office of Regional Centers located in the Commissioner's Office (Deputy Commissioner for Coordination.)

Certainly the emergence of collaboratives and the restructuring of the MDE to provide six regional education centers has altered considerably the pattern of distribution of authority between State-local agencies. Furthermore, it seems to have put them into more direct competition with each other; or at least has brought the competition to a level closer to the grass roots; the level of the conflict has changed. The collaboratives are in competition with the Regional Education Centers and they are in competition with the LEAs in the sense that they must compete with individual LEAs for State and Federal funds (e.g., Title IV-C).

In a position paper on the collaborative concept, the division of labor among SDE/Regional Centers (RCs) and voluntary collaboratives (VCs) has been ascribed as "complementary" and roles suggested.[11]

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[9]F. Wirt; op. cit.

[10]M. Kirst; op. cit. In part, a state's response is shaped by the traditional values of the state as a whole toward local control. Wirt and Kirst, p. 163.

[11]D. Meals. "Organizing for Improving the Delivery of Educational Services in Massachusetts." Volume I. March 1974.

However, the major political issue remains: how to absorb or accomodate these existing units in a revised structure for the State system. Stephens described the issues as follows:

> *An issue of some concern to all involved in delivery of services is: should the collaborative be an arm of the State, pure creature of constituent local LEAs, or pure special district government?*[12]

This is the dilemma facing Massachusetts at this time as collaboratives emerge. The issues are heated, conflict provoking, and not as yet resolved.

Areas of Conflict

In addition to conflict over funds, another major conflict revolves around the continuum of service orientation/regulation. The RECs carry a major burden of monitoring, program audit, and regulatory/administrative mandates and yet they wish to appear that their role is more service oriented. As Kirst has pointed out, Massachusetts restricts its Title I enforcement to friendly persuasion.[13]

> *The Massachusetts State Agency has generally not seen its role as one of using its discretionary power to maximize aims through the establishment of high quality standards for programs in the LEA, neither demanding sophisticated methods for program development, careful operating procedures, tough criteria for program proposal review, nor careful evaluation requirement. In short, the Massachusetts State Department in allocating Federal funds and administering Federal programs, has, in effect, generally transmitted to the LEAs the discretionary powers which the Federal Government and Federal legislation gave it.*[14]

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[12]E. R. Stephens. "Regional Educational Service Agencies." ERS Monograph. Washington, DC: Educational Research Service, 1975. ED 103 942

[13]M. Kirst; op. cit., 1972

[14]L. Iannaccone. Secondary source, M. Kirst; op. cit. As Iannaccone further points out, a specific unit may deviate markedly from the normal pattern of State policy.

Educational Legislation

The concern that local control is sacrosanct, not to be relinquished to an imposing state government, is well illustrated by the development of the collaborative movement in the Commonwealth. School districts have found this an effective way to battle further consolidation and threats against local control. And, Chapter 766, Acts of 1974, has multiplied the available forms of cooperation for special education to include:

- *Tuition contracting -- school districts have quasi-corporate powers including the ability to contract with each other*
- *Governing bodies -- school boards contract with collaborative organizations similar to the way they might pay tuition to private schools*
- *Voluntary association of two or more school districts to deliver services; school boards form an agency they collectively regulate*

The present legislation[15] is largely permissive or enabling as opposed to those states which have filed mandatory, prescriptive legislation. However, the legislation (Chapters 753 and 797) does not tell how districts are to form collaboratives, the powers they have once joined, or administrative details.

Unlike the intermediate districts and BOCES of Pennsylvania and New York and the service centers in Michigan and Wisconsin, the collaboratives in Massachusetts are locally based. The states of Pennsylvania and New York following a monolithic pattern would implement their service concept in a different fashion from the Massachusetts fragmented style. This fragmented style has led to the proliferation of collaboratives in Massachusetts.

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[15]Three pieces of legislation which have significantly impacted on collaboratives and cooperative arrangements are detailed in Appendix A. Several other bills are presently being filed.

Proliferation of Collaboratives

In 1973, there were four struggling but surviving remnants of early Title III ESEA Centers (supplementary services centers; see Appendix B). By 1975, there were approximately one hundred, spurred on by the special education legislation (Chapter 766) of 1974 which caused a burgeoning of collaboratives. There are presently over 100 formal/informal collaboratives; approximately forty are active, multipurpose collaboratives with full-time directors. Informal ones tend to be single purpose while the formal ones, for the most part, are multipurpose. Massachusetts may shortly learn the lesson that New York learned when four BOCES were joined by others to make 90. Maximum efficiency and cost-effectiveness could not be achieved without a minimum pupil base; thus, consolidations were made resulting in 46. With locally based, disparate and fragmented coalitions, consolidation will not come easy in Massachusetts.

The Commissioner and his staff originally hoped that, through free market mechanisms, marginal or deficient collaborative units would go "out of business" and no provisions were made to restrict or limit the membership. Again, the intent was that the LEA would monitor the services provided by the collaborative, and the school district either would buy the services or decline to buy the services. The roles are pictured in Figure 1 from the Associate Commissioner's paper on collaboratives.[16]

The concept of purchased "third-party services" whereby the school district shops the cooperative marketplace, yields a greater degree of flexibility for the superintendent. The LEA can serve as a buffer for some problems and the superintendent is free of some pressure groups, laws, axe-grinding special interest groups and other forms of sociological strife associated with special education and provision of human services. The school district in purchasing services from the collaborative reduces some of the district's limitations due to tenure, seniority, RIF procedures and other labor-management considerations.

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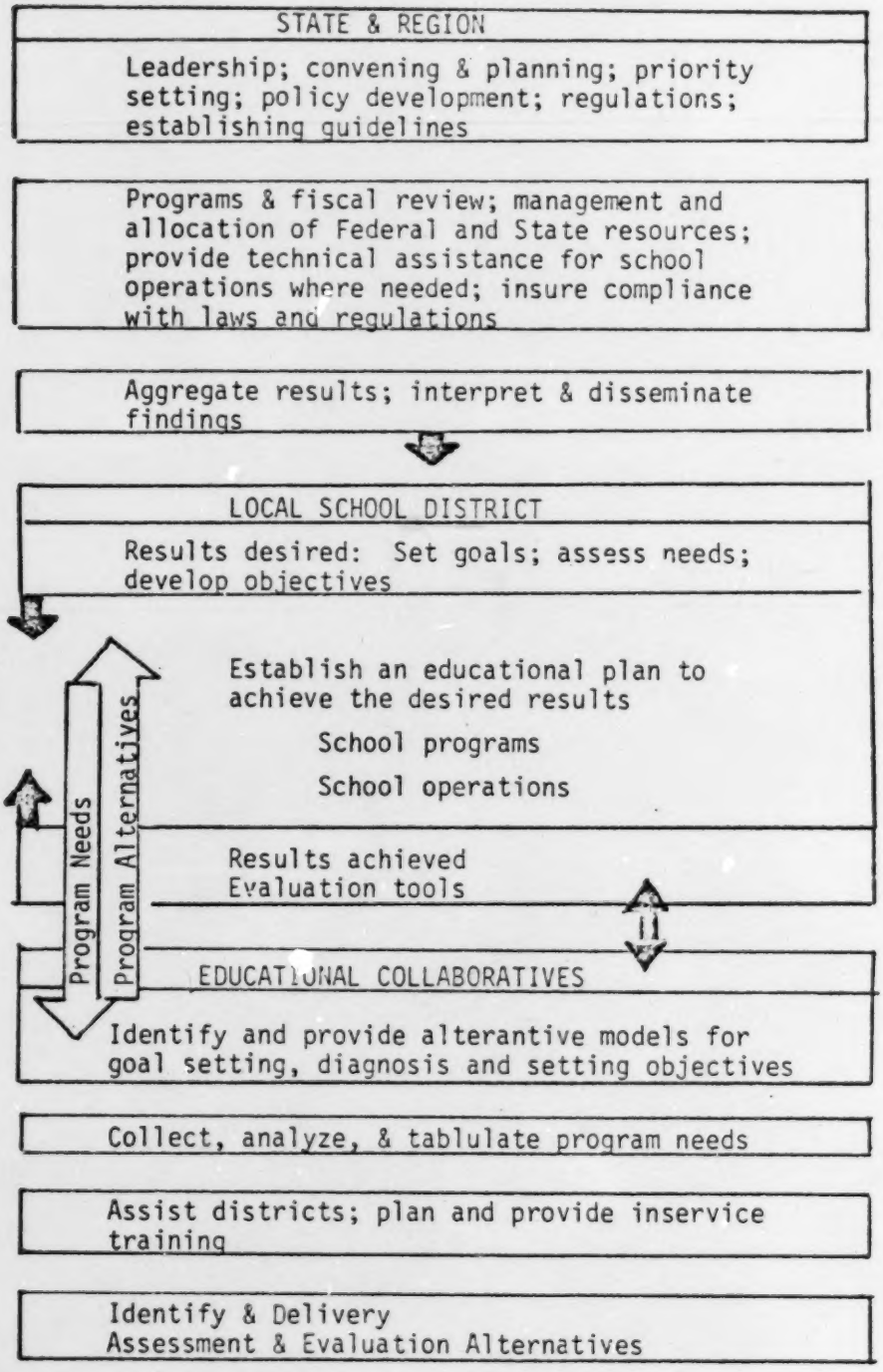
[16]R. Audette. Memo to the Executive Committee from the Associate Commissioner, Division of Special Education. Massachusetts Department of Education, 1976.

FIGURE 1


STATE & REGION
Leadership; convening & planning; priority setting; policy development; regulations; establishing guidelines
Programs & fiscal review; management and allocation of Federal and State resources; provide technical assistance for school operations where needed; insure compliance with laws and regulations
Aggregate results; interpret & disseminate findings
LOCAL SCHOOL DISTRICT
Results desired: Set goals; assess needs; develop objectives
Establish an educational plan to achieve the desired results
School programs
School operations
Program Needs
Program Alternatives
Results achieved
Evaluation tools
EDUCATIONAL COLLABORATIVES
Identify and provide alterantive models for goal setting, diagnosis and setting objectives
Collect, analyze, & tablulate program needs
Assist districts; plan and provide inservice training
Identify & Delivery
Assessment & Evaluation Alternatives

(R. Audette; ibid.)

Problems of Finance and Governance

These remarks only begin to get at the major issues surrounding the governance and funding of the educational service units; and, these issues are fundamental to other policies concerning the organization of the collaborative. The collaborative has no taxing power. Local control is guarded by a board of local superintendents (in some instances, special education directors) governing the collaborative. The local board has a degree of flexibility to develop its own rules and regulations and the collaborative in effect gives it even more flexibility than it had as a local education authority, subject to statutory considerations and the few policies set down by SEA.

Through the Associate Commissioner's preference for using the collaborative as a conduit for Title VI monies, the collaboratives have substantially grown in size, in number, and complexity. The way that Federal funds under P.L. 94-142 will deposit funds in the LEA will encourage the LEA to go shopping with the collaborative to deliver special education services, thus providing further incentive for the collaborative to sponsor instructional programs.

As Wirt has predicted, the increased reliance on Federal and State aid for special education, developing since 1974, has somewhat altered the local control of the collaborative thus confirming Wirt's statement that "with the funds have come both controls from higher levels and an emerging school politics of inter-governmental relations."[17]

The collaboratives have envisioned an even higher degree of fiscal independence. Approximately forty collaboratives forming MOEC (Massachusetts Organization of Educational Collaboratives) have filed two separate bills in the 1977 legislation; one would see the collaborative develop as a separate entity. However, the LEA wishes to maintain its flexibility and direct control of these aspects of the collaborative most important to it. And, the State does not wish to give the collaboratives more freedom and independence than they currently possess.

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[17]F. Wirt; op. cit.

The Organization of MOEC

Some of the efforts of this organization have been devoted towards coordinating the various collaboratives that have sprung up. MOEC has served as a catalyst and as a vehicle for mobilization of bias.[18] In this way, MOEC has streamlined the interest group as a demand carrier.[19] MOEC has served the necessary functions and purpose of an interest group which is threefold:

1. *Focusing demand*
2. *Providing needed information in a legislatively suitable means*
3. *Stating issues and mobilizing support* [20]

In the opinion of some, the collaborative should provide only such services as are agreed to by contract with each local district. Others believe that the collaborative should provide services mandated by the State and assume more of a role of a State arm in operating programs.

A philosophical split occurred with the membership of MOEC in the fall of 1976 with one splinter group taking the stance that an entirely separate identity was needed and the other half of the membership supporting the Commissioner's proposed hierarchy of collaboratives within the State system. This has led to a direct and open conflict among the members of the MOEC organization which has split the organization into two halves each of which filed separate legislation. Issues being hotly debated concern tenure laws, retirement (collaborative personnel do not qualify for either one), control of professional training of personnel through licensing (waivers are presently given for uncertified personnel to work in programs for the multiply/severely handicapped), and the like.

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[18] Study Guide; p. 37.

[19] Wirt and Kirst; op. cit.

[20] Text Study Guide; p. 39

The scope of the conflict has broadened as the MTA entered the picture with a bill of its own (see Appendix C) and the Association of School Committees, the Commissioner of Education, and the School Boards Association all gave testimony on one side of this open and apparent conflict. The MTA, in initiating legislation in 1977, is attempting to catch up and organize the cooperative/collaborative agencies. The MTA proposed legislation reads as follows:

SENATE . . . . . No. 176

AN ACT RELATIVE TO PROFESSIONAL EMPLOYEES ASSIGNED TO COLLABORATIVE EDUCATIONAL PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

Section 4E of chapter 40 of the General Laws, as most recently amended by chapter 323 of the Acts of 1975, is hereby amended by adding the following paragraph at the end thereof: —

Each teacher assigned to collaborative educational programs shall be employed by a member school committee and shall be deemed to be an employee of such committee for all purposes. No person shall be eligible for employment as a teacher in a collaborative educational program unless he has been granted a certificate by the Board of Education pursuant to General Laws c. 71, S. 38G.

The MTA may see larger regional units as a more powerful union base eventually.

MOEC strategies have also necessarily broadened the conflict for ultimate resolution in the legislature. And, the legislature has assumed "the major role in accommodating the conflicting values of the interest groups" through recommendation of S. 182.[21] (See Appendix for S. 182.)

[21]Wirt and Kirst; p. 128.

As the collaboratives take on more programs that were formerly operated by the State (e.g., the programs for students who are "deinstitutionalized" from the Bureau of Institutional Schools) they take on more and more of the State's functions and serve as arms of the State rather than servants of the LEAs. This service/regulatory continuum has been alluded to by the State in its collaborative concept paper:

> *As service delivery needs become more demanding, the need emerges for a more clearly defined organizational hierarchy in which all agencies assume appropriate and supportive functions. At the top of the hierarchy is the SDE which provides leadership, etc.*[22]

The proposed legislation has already been formulated to alter the requirement that a member of the REC sit on the governing board of each collaborative (Chapter 797 amendment; see Appendix A), thus reducing a serious conflict of interest.

The State in operating BIS programs has placed program specialists in the collaboratives to serve largely State priorities, purposes, and needs. The present program implementation plan for fall of 1977 calls for a program specialist in the collaborative and a supervisor located at the Regional Education Center who would act as monitor. Housing the two roles at the REC has been termed "the fox guarding the henhouse" and thus, the State is placing the program specialist in the collaborative. This would appear to create still further conflict.

With its inconsistency in policy, the different divisions of the MDE and the MDE/RECs often support practices that are diametrically opposed in terms of philosophy and priority.

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[22]C. Lynch; et al. Collaborative Concept Paper. Massachusetts Department of Education; Boston. 1977.

THE FUTURE

If the concept as recommended by Audette is supported, the MDE regional centers will become increasingly that of a regulatory agency existing for the purpose of dispersing Federal funds and implementing and monitoring programs mandated by the legislature in response to advocacy groups and special interest groups. The assignment of further regulatory functions to the Regional Centers (RCs) would result in an assurance of their continued existence. If the legislature continues to mandate programming, the need for regulatory "machinery" will increase proportionately. This is the case with both Chapter 766 and P.L. 94-142.

The largest multipurpose collaborative in the Commonwealth elected the option of incorporation several years ago and at least one other seems to be following suit.[23] Thus, these collaboratives would then come under the jurisdiction of the Secretary of State rather than the Commissioner of Education's Office.

The National Federation for Rural Education Improvement (NFIRE) formerly carried the banner for the service units; now the AASA has established a major division for education service units and is instrumental in AASA exercising political influence on behalf of school systems at the national level.

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[23]The Merrimack Education Center will probably follow the incorporation route previously taken by EDCO and become a private, nonprofit organization formed under the provisions of Chapter 180, of the Massachusetts General Laws (under the Secretary of State rather than the Massachusetts Department of Education).

Human Services -- Future Areas of Collaboration

The Massachusetts Department of Education is projecting that cooperatives will be more of an acceptable compromise in the human services domain also. The need for joint planning among all units of government and the need to coordinate and integrate the provision of service are the final determinants which augur for making collaborative boundaries coterminous with those of the already established State system of regions and catchment areas. This again brings the conflict from the State level into the regional and local level and increased competition for limited resources will ensue.

One collaborative has already begun to move in this direction through its governing structure:

> *Policy for CASE is established by a Board of Directors consisting of either a superintendent of schools or a school committee representative from all of the participating school districts and the Director of the Concord Area Mental Health Center. Acting in an advisory capacity to the Board of Directors is the CASE Committee. Voting members of the CASE Committee are the designated Special Education Administrators from the school districts and two representatives from the Mental Health Center.*[24]

Increasing Conflict

When a legislative body requires that improved or additional services be provided by local school districts, it seldom assumes the total added cost of such services.[25] This in effect will push the level of conflict down to the region. Such is the case with special education and human services in Massachusetts. The struggle to increase one agency's budget at the expense of another will follow; this is already occurring at the State level and will soon be very clear in the regions. Budget battles increase the tendency toward "turfishness" which in the end may fragment the system even more. Powerful coalitions may form and yet this would appear to be difficult. Fragmentation of human services is already the case, and this is true of education as well.

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[24]The CASE Collaborative encompasses an area west of Boston that makes up the Concord Area Mental Health Center catchment area and reaches into other mental health areas as well. Individual member districts lie within the jurisdiction of three separate MDE regional centers.

[25]NFIRE Report; p. 96.

When independent legal mandates with clear noncompliance sanctions are combined with inadequate program allocations, the consequences can be severe. The State is not ready to face this and will attempt to move the conflict to a distance where it can be absolved of the problem.

As Iannaccone has stated, these conflicts are ever-present:

> *The issue of the few and the many is not unique to the politics of education. Nor is the balance of centralized and local governance unique to educational policymaking. These are fundamental issues that require periodic re-examination in a democratic government. The fundamental unresolved constitutional and political issues inherited from our forefathers will in turn be our legacy to our children and their children's children when their time comes.*

The economic realities of the present day, the decline in enrollments and the State's attempt to offer special education and human services with decreased funding levels are major initiating forces for the consideration of cooperative arrangements. How these cooperative arrangements will fare is not predictable at this point in time. The attempt for the education division to provide services or programs in accordance with policies recommended by the Department of Mental Health (including those of public health, welfare, division of youth services, and rehabilitation) is exemplary of goal diffuseness and pluralism. This will perhaps cause the State to move in the direction of a less fragmented, more monolithic organization to force more local compliance.

According to Wirt and Kirst, we can foresee troubled times:

> *As long as financial resources are increasing. . . coalitions can stay together. . .But any redistribution of existing resources. . .strains the coalition and enhances the role of the governor and legislature in compromising or ignoring competing claims of education groups.*

Present boundaries of the collaboratives are not coterminous with those of the other regional governmental agencies. The waters have been further muddied by the Mass. Department of Education policy looming on the horizon. In Massachusetts, the collaborative lines have been drawn by the LEAs themselves. Education collaboratives frequently extend beyond the political boundaries of a single county or region of the Department of Education. The Division of Special Education and the Department of Mental Health are subtly suggesting that there will be established service areas that are coterminous. This plan would have the area boundaries of collaboratives coincide with the catchment areas established by the Department of Mental Health as outlined in the enclosed map.

The Massachusetts Department of Education and the Department of Mental Health may be attempting to form such a coalition from a fragmented system. It is unlikely, in my opinion, that this can occur in a time of declining resources. However, the interplay of groups and group interests will be a key factor to watch. Perhaps it must occur to make the best use of dwindling resources.

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MASSACHUSETTS HISTORICAL PERSPECTIVE

1870 Authorization of union superintendency enabled two or more districts to share services of superintendent, supervisors and auxiliary personnel.

1949 Regional school district planning boards were created.

1966 Fifty-four supervisory union districts covered fourteen counties.

1970 Chapter 40, Section 4E. Original legislation permitting two or more school committees to authorize agreements for joint educational activities.

1972 Chapter 753, amended 40/43 to permit more formal/legal procedures. The passage of comprehensive special education legislation gave great impetus to the formation of collaboratives in special education; Massachusetts has made major alterations in financial support for special education.

1974 Repealed Chapter 753 and amended 40/43
Sanctioned possible state funding of start-up costs for some collaboratives which was never appropriated.

Chapter 797 was never funded.

Chapter 766 (618) authorized school systems to provide special education through joint agreements.

Massachusetts Department of Education, Division of Special Education, funded the Massachusetts Organization of Educational Collaboratives (Federal, Title VI funds)

Through Chapter 766 the Special Education Division (of MDE) carries out its policy of equal opportunity for handicapped children by working directly with LEA through the RECs for program audit, encouraging voluntary cooperative projects.

Chapter 71 (766) An agreement designates an LEA as the operating agency. None have taxing authority; costs are passed on to the districts they serve. A collaborative has no taxing authority; instead the sources of funds are mainly taxes levied by its constituent districts, Federal grants, and a relatively small amount of State grants.

APPENDIX A

LEGISLATION

APPENDIX A -- LEGISLATION

There have been three pieces of legislation which have significantly impacted on collaboratives with several other bills presently being filed.

CHAPTER 753 -- established the basis for LEAs serving as the operating agent for the collaborative

CHAPTER 797 -- defined the fiscal agent and operating status of collaboratives and also established a governance structure

CHAPTER 766 -- specifically authorized school systems to use collaboratives as one of their resources for providing services to special needs children, prompting enormous growth in the collaborative movement since 1972. Chapter 766 (using Title VI funds) also allowed the development of MOEC.

Five independent, nonprofit, multipurpose, multidistrict centers have arisen in Massachusetts; three of these were formed originally with Title III funds for supplementary services and centers.

EDCO -- Educational Collaborative serving nine communities in the Boston/Cambridge area

HEC -- Hampshire Education Collaborative in Western Massachusetts

MEC -- Merrimack Education Center serving 22 communities in the Chelmsford area, northwest of Boston

SPOKE -- with four district members located near Norton (southwest of Boston)

TEC -- The Education Cooperative serving the Framingham area due west of Boston.

These five centers and the single-purpose, special education collaboratives have formed the Massachusetts Organization of Educational Collaboratives. A major objective of MOEC is to clarify the fiscal and administrative status of educational service centers in the Commonwealth and to develop the necessary legislation.